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1755

Docket No.: 218075US0

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/042,254
Applicants: Michiyasu KOMATSU, et al.
Filing Date: January 11, 2002
For: SILICON NITRIDE WEAR RESISTANT MEMBER
AND METHOD OF MANUFACTURING THE
MEMBER
Group Art Unit: 1755
Examiner: Karl Group

SIR:

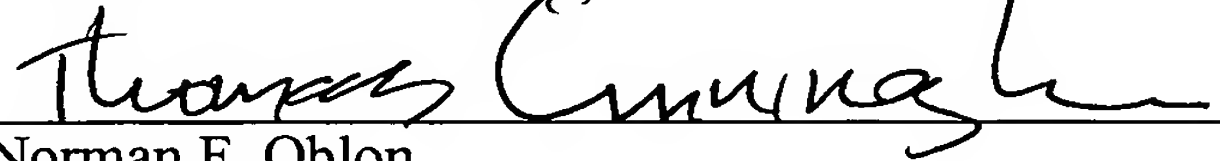
Attached hereto for filing are the following papers:

Election and Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Norman F. Oblon

Registration No. 24,618

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Thomas M. Cunningham
Registration No. 45,394

DOCKET NO. 218075US0



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MICHIIYASU KOMATSU, ET AL. : EXAMINER: KARL GROUP
SERIAL NO: 10/042,254 :
FILED: JANUARY 11, 2002 : GROUP ART UNIT: 1755
FOR: SILICON NITRIDE WEAR :
RESISTANT MEMBER AND METHOD :
OF MANUFACTURING THE MEMBER .

ELECTION AND RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement mailed November 26, 2003, the Applicants hereby elect with traverse **Group I, claims 1-13**, drawn to a wear resistant member.

The traverse is on the grounds that the Office has not met its burden of establishing that the claims of Group II are patentably distinct from those of Group I. The Restriction Requirement indicates that the wear resistant member of Group I comprising a silicon nitride sintered body may be made by an alternative method of sintering elemental silicon. However, the Restriction Requirement does not indicate how such a method involving sintering elemental silicon would form a member comprising sintered silicon nitride. Moreover, the Applicants submit that no undue burden would be imposed on the Office in the examination of the claims of Groups I and II together due to the similarity of the subject matter encompassed by each group.

In the event that the requirement is maintained, the Applicants respectfully request that upon an indication of allowability for the claims of elected Group I, that the claims of

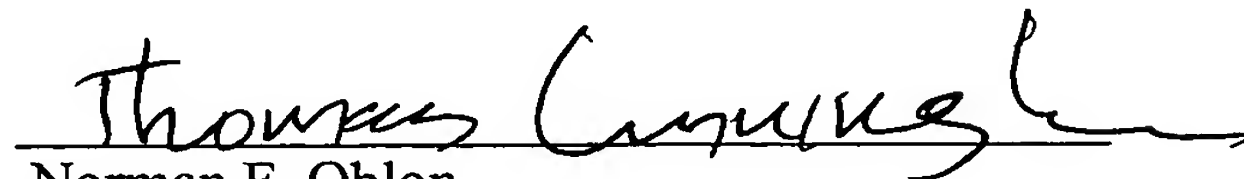
Application No. 10/042,254

Reply to Office Action of November 26, 2003

non-elected Group II which depend from or include all the limitations of those of Group I, be rejoined to the elected group, see MPEP 821.04.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

Thomas M. Cunningham
Registration No. 45,394